97-84037-8

Brooklyn Central Labor Union

Why New York State should enact a legal...

[Brooklyn, N.Y.]

[1915?]

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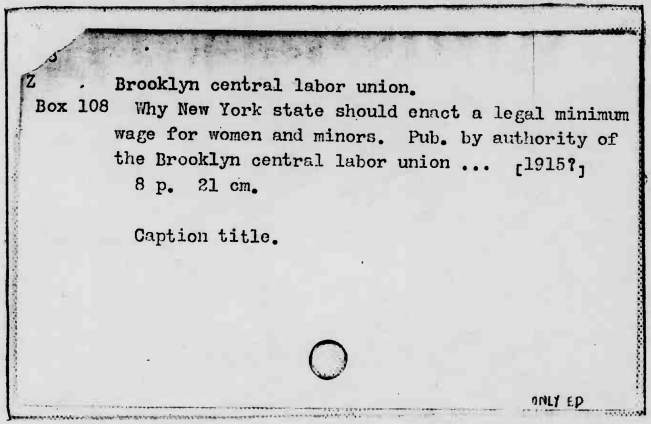
Z . Brooklyn central labor union.
Box 108 Why New York state should enact a legal minimum wage for women and minors. Pub. by authority of the Brooklyn central labor union ... [1915?]
8 p. 21 cm.

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## TECHNICAL MICROFORM DATA

FILM SIZE: 35mm REDUCTION RATIO: 10:1 IMAGE PLACEMENT: IA (IIA) IB IIB

DATE FILMED: 3-4-97 INITIALS: PB

TRACKING # : 22342

FILMED BY PRESERVATION RESOURCES, BETHLEHEM, PA.

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# WHY NEW YORK STATE SHOULD ENACT A LEGAL MINIMUM WAGE FOR WOMEN AND MINORS

PUBLISHED BY AUTHORITY OF THE
BROOKLYN CENTRAL LABOR UNION

## FOREWORD

One of the very serious problems now confronting Organized Labor is the question of the Legal Minimum Wage. There is some difference of opinion on the question among Trade Unionists, many being strongly in favor of it while others doubt its wisdom or necessity.

After an extended discussion of the subject the Brooklyn Central Labor Union indorsed the principle by adopting by a large majority the subjoined resolution. Later a Minimum Wage Committee was appointed to visit affiliated Unions for the purpose of discussing the principles involved and was also authorized to prepare this leaflet for distribution among trade unionists.

This little pamphlet makes no attempt to treat the question either learnedly or exhaustively, its purpose, rather, is to present it as clearly and concisely as possible, while emphasizing the moral principles that underlie the wage-question as a whole. We want this to be read by the average trade unionist who may have little time or inclination for deep study. For that reason the question and answer method of presentation has been adopted.

All Unions desiring copies for distribution, or speakers to discuss the question at their meetings, will please communicate with any member of the committee or with the Secretary of the Brooklyn Central Labor Union, Mr. Otto Nichols, 764 Metropolitan Avenue, Brooklyn, N. Y.

## RESOLUTION ON THE LEGAL MINIMUM WAGE ADOPTED BY THE BROOKLYN CENTRAL LABOR UNION, JANUARY 3, 1915.

*Resolved:* That the Brooklyn Central Labor Union, representing 80,000 organized workers in the Boroughs of Brooklyn and Queens, indorses the principle of the Legal Minimum Wage for the following reasons:

FIRST: Because we desire to see the present un-Christian and most inhuman conditions so prevalent in all underpaid industries brought to an end as speedily as possible.

SECOND: Because we believe that the quickest way to reach that end is by the State assuming its full duty to protect all of its citizens in their just natural rights; among which rights should rank as one of the first the worker's right to such recompense for his labor as will enable him to obtain all the necessities and comforts of life in keeping with the dignity of a human being.

While thus indorsing State action in this instance we emphatically reaffirm and hold fast to our belief that the organizing, bettering and maintaining of Labor Unions will do more than all other means together to bring permanent benefit to the workers as a class. But while asserting this belief, we also realize that, at present, it is practically impossible to carry the benefits of organization to a great mass of the poorest paid workers, particularly among Women and Minors; and, therefore, we now deem it expedient to thus call upon the State to perform its moral duty towards these most defenseless of its children.

We also hope that a large part of the good that should come to these poor workers from a Legal Minimum Wage will be such improvement in their condition as will make it possible for them to see and secure the benefits that come from Trade Union organization.

In conclusion we desire to state that we shall watch with a careful eye all legislation of this character, and shall take advantage of our constitutional right to state the form we think it should take and the manner in which we believe it should be administered.

I. *What does a Legal Minimum Wage mean?*

It means that the State shall set a minimum standard below which wages in low paid industries shall not be allowed to fall. It does *not* mean that this minimum standard shall ever become, in any industry, a legal maximum wage.

The law, if enacted, would only apply to low paid industries where the majority of the workers are women and minors whose wages now are less than the actual cost of living.

II. *What proportion is there of such low paid workers?*

About one half of the women workers in New York State get less than a living wage today, some employers paying less than



$6.00 a week while recent investigations into the cost of living show that the minimum wage for self-supporting women should be at least $600.00 a year—equivalent to about $12.00 a week. This Committee believes that the weekly minimum for women over 18 years of age should be $12.00, and that the minimum for minors should be $7.00 per week.

The New York Factory Investigating Commission in the report presented to the Legislature for 1914 gives the following figures: *Page* 40—*Confectionery Industry:*

One-half of the women receive less than $6.00 per week. Two-thirds of the girls under 18 get less than $5.50 per week. *Page* 41—*Paper Box Industry:*

$12.00 is the most common rate for all males and $6.00 for all females. Almost two thousand women over 18 get less than $6.00 a week. More than seven hundred girls under 18 get less than $5.00 per week.

It should be borne in mind that this report covers only a few industries in Greater New York. A more extended investigation would likely disclose even worse conditions.

III. *But why not organize these workers and raise their wages to a higher standard by Trade Union methods?*

Because it is impossible now for such workers to keep alive a permanent organization. Their small earnings make it impossible for them to meet even the most necessary expenses of organization and because of their enfeebled physical condition, due to long hours and starvation wages, they have no time or energy to give to the work of organizing.

If we can improve their condition by the minimum wage, it will then be possible to organize them. It is not possible now.

IV. *But has the State the right to pass a Minimum Wage Law?*

Emphatically, yes! The State has both the right and the duty to compel all employers to pay a Living Wage.

To force a man to work for less than a Living Wage is as truly an act of injustice as to pick his pocket. In a wide sense it is also an attack upon his life. The State, therefore, in passing a law prohibiting the payment of starvation wages is simply enacting a measure for the protection of life and property. It is in direct line with our Child Labor Laws, our Factory Sanitation Laws, the Eight Hour Law, the Workmen's Compensation Act and other recent measures of like character, the passage of which gives promise of our gradual return to the just concept of the State and its duty.*

V. *But suppose that the employer is paying all that the worker is worth—what then?* That depends upon what is meant by *worth*. We have no desire to be unfair to the employers but under a just industrial system the poorest of adult unskilled workers will be *worth* a living wage.

* For further information on this and other points read "A Living Wage" by Rev. Dr. Ryan, also see Dr. Samuel McCune Linday's article in the Annals of the American Academy of Political and Social Science for July 1913,—and read the writings of Sidney Webb on "The Minimum Wage".

According to accepted Christian teaching the *least capable* workman is entitled to a living wage for *when he does his best* he does all that is done by his stronger or more capable co-worker and his effort entitles him to a reward that will safeguard the sacredness of his personality and insure to him a decent livelihood.

This implies that it is the worker's duty to do his best by all fair employers, and it also means that the more capable worker is entitled to something more than a mere living wage.

VI. *But will not such a law interfere with the right of "free contract"?*

Yes! But because of the conditions that make a Minimum Wage Law necessary it will be a just interference. Just, because no so called "*free* contract" which involves the acceptance of starvation wages, or other degrading condition of labor, can ever be considered a *fair* contract; and where such contracts have been entered into because of the dire necessities of the workers it becomes the duty of the State to interfere in an effort to bring about equity between the parties to such contracts.

The following words apply here and are as true now as they were when written twenty-four years ago: *"As a rule, workman and employer should make free agreements, and in particular should freely agree as to wages; nevertheless, there is a dictate of nature more imperious and more ancient than any bargain between man and man, that the remuneration must be enough to support the wage-earner in reasonable and frugal comfort. If through necessity or fear of a worse evil, the workman accepts harder conditions because an employer or contractor will give him no better, he is the victim of force and injustice."*†

Today, millions of workers, the world over, are the victims of such force and such injustice, because *"business ethics"* instead of *Christian Ethics* govern all the industrial relations of men. The greatest good to come from the present minimum wage agitation will not be the improvement in the condition of the workers benefited by such a law, no matter how great that improvement may become; but it will be the fact that the public mind may be induced, because of an awakened conscience, to make concrete comparisons between the spirit that has controlled industry for nearly two hundred years and the spirit which should have controlled it.

VII. *But if the employer cannot afford to pay a living wage—suppose that to do so would bankrupt the industry, what would you say?*

If he really cannot pay a full living wage then, for the time being, he is freed from the obligation since no one is morally bound to do the impossible. But in figuring on his ability to do so he must take into account the moral truth that the necessary needs of his workmen are superior to his own superfluous needs, for worker

† From the encyclical letter of Pope Leo XIII on "THE CONDITION OF LABOR" published May 15, 1891.



and employer are equal in personal dignity and their essential needs are of equal worth and moral importance.

The *employer*, though, has an obvious right to include the conventional necessities corresponding with the standard of his class in the return he receives for the labor he puts into his industry. But beyond such return he has no right to any interest on the capital invested until the industry pays to *all* of its workers a full living wage. Nor can he morally take from the industry any money to hire private police, to corrupt weak legislators, or to make vulgar display of pretentious philanthropy in titanic foundations or self-advertising libraries, any more than if he used such money for monkey-dinners, excessive pleasures or other viciously immoral purposes.

As for bankrupting the industry—if the industry cannot pay to its workers a full living wage it should not be allowed to exist out of the lifeblood and energy of those workers—and should be either subsidized by the State or destroyed.

VIII. *But the employer will only employ those who can earn the minimum. How would you provide for those who will be discharged because they are inefficient?*

As has been done in the states where the law is in force, by granting them a license from the State to work, for a little less than the minimum until such time as they become efficient.

In the case of those workers whose mental or physical defects are such as to prevent them from ever being able to earn the minimum the difference between what they do earn and the minimum should be met by the community to which they belong. Despite their defects they are, because of their humanity, entitled to a decent livelihood; but the full charge of their upkeep cannot in justice be laid upon the employer—it morally rests upon the community at large.

Justice also demands that these defectives should not be permitted to ruinously compete with the normally efficient workers in any industry.

Before any person is granted a license to work for less than the minimum, each case should be carefully examined by a Local Wage Board having a proper representation of the wage-workers in the industry under question some of whom should be conversant with the facts in each particular case. In any event the number of such licenses should be limited to a small percentage of the workers in the industry, and withdrawn in the case of those who later become able to earn the minimum.

IX. *But will not the increase of wages by this law so increase the cost of living as to leave the wage-worker soon after in as bad a condition as before?*

No! Not where the advance comes by gradual and continuous

steps, as it would have to come under a just and wise Minimum Wage Law.

If the wages of all underpaid wage-workers in New York State were to be raised at one jump to a full living wage it would probably result in a serious upsetting of economic conditions; but as there is no possible chance of that occurring it is useless to discuss it.

But even if there should result some rise in prices because of a just advance in wages that would be a very small evil as compared with the present greater evil coming from the employment of so many thousands at starvation wages.

There are two economic reasons why any excessive rise in prices need not be feared. The first is that the increase of wages coming to the present underpaid worker would increase his, or her, efficiency as a worker because the increase would mean better food, better clothing, better shelter and some recreation all of which make for efficiency, and efficiency means a greater product for the employer.

The second economic reason is that any increased cost due to advance in wages in any particular industry is distributed among all the consumers of that product who are so numerous, as compared with the workers in any industry, as not to feel the slight increase in cost. But admitting that in some industries there would be some rise in prices of the goods produced, it is a moral truth that the purchasers of such goods should be willing to give such a price for them as will enable the payment of a living wage to the producers.

Trade Unionists should also remember that this argument of higher prices has been used against us in every fight that we have fought and won. It was used in the fight for the Eight Hour day, against child labor laws, and in every battle for an increase in the wage scale.

X. *But Organized Labor fought those battles without State aid, and sometimes where the forces of the State were unjustly arrayed against us. We fought as a volunteer force willing to make great sacrifices to win our just rights. Will not these workers when aided by the State lose all this spirit of resistance and the ability to help themselves?*

The unfortunate fact is that these underpaid workers, as a mass, have no fighting spirit to lose, nor have they any ability to help themselves. Our hope is that a new spirit may be born among them as a result of the improved condition to come from the proper enforcement of a wise Minimum Wage Law.

Of course, it would be better if organization could secure good wages and decent working conditions for these women workers



as it has done and is continually doing for men workers. But let us be frank enough to admit that we cannot now organize the great mass of underpaid women workers. Such an admission was made by the Executive Council of the American Federation of Labor in its official report to the convention held in 1913 in the following words:

> "The principle that organization is the most potent means for a shorter workday, and for a higher standard of wages, applies to women workers equally as to men. But the fact must be recognized that the organization of women workers constitutes a separate and more difficult problem. Women do not organize as readily or as stably as men. They are, therefore, more easily exploited. They certainly are in a greater measure than men entitled to the concern of Society. A fair standard of wages, a living wage for all employed in an industry, should be the first consideration in production. None are more entitled to that standard than are the women and minors. An industry which denies to all its workers and particularly to its women and minors, who are toilers a living wage is unfit and should not be permitted to exist.
>
> "We recognize, of course, that in our time legislation of this character is experimental and that sufficient experience with it has not been had to enable us to secure comprehensive and accurate information as to its tendency and its effect upon wages and industrial conditions; therefore, we recommend that for the information of the labor movement the Executive Council be instructed to watch developments where such legislation is in force and to record carefully the activities, the decisions and the trend of minimum wage boards.
>
> "We recommend that in all minimum wage laws the organized workers should see to it that provision is made for representation on minimum wage boards of the organized wage earners, and that the laws are so changed or drawn and administered as to afford the largest measure of protection to women and minor workers—those they are designed to protect."

Obviously it was in accordance with the spirit and letter of the above quotation that our veteran leader, President Samuel Gompers, was acting when he signed the report recommending the passage of a Minmum Wage Law for Women and Minors; which report has just been presented to the sitting legislature by the New York Factory Investigating Commission.

## A WORD IN CONCLUSION

FELLOW TRADE UNIONISTS:

This little pamphlet was prepared for you. It was written, primarily, in the hope of arousing your interest in the welfare of many thousands of your fellow creatures whose sad condition should appeal to every manly and to every womanly heart. For their sakes we ask you to study their condition and the reasons underlying it. If you come to believe with this Committee that the present inhuman conditions now prevalent in all underpaid industries should be ended as speedily as possible then, in the name of our common Fatherhood, and of our common brotherhood and sisterhood, turn to and do your share to help secure that end. You know best what you can do yourself, and you know what your Union can or will do; and you likewise know what you can do to influence the individual members of your Union and your friends outside the Union.

Whatever you can do, do with your heart and do quickly!

If the organized workers in New York State do their duty in this emergency they will then be in a position to carry out the recommendation of the Executive Committee of the American Federation of Labor— (quoted here in reply to question ten)— namely, that provision shall be made in the law for proper representation of organized wage earners, and that the law be drawn and administered so as to afford the largest measure of protection to women and minor workers—those whom the law is intended to protect.

Do your duty now and have no cause for regret in the future! No matter how we may differ in condition or ability, in creed or color, in race or sex we all have a common duty towards the unfortunate and helpless, so let us all unite in doing our best to fulfill that duty.

Fraternally yours,

JOHN J. FOOTE
F. S. TOMLIN
MAURICE DE YOUNG
WILLIAM ASCH
MRS. MOLLIE SCHEPS RUMPLER

*Minimum Wage Committee*
*Brooklyn Central Labor Union.*

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